

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LINCOLN GENERAL INSURANCE COMPANY, a Pennsylvania corporation, No. C 05-4856 SBA

**ORDER**

Plaintiff,

v.

ABC SUPPLY COMPANY, INC., a corporation;  
ALFRED SCHIMMEL, individually and doing  
business as ALLIED CONTRACTORS; ANNE W.  
LOUIS, an individual; ANTONIO  
SANTAMARIA, an individual; and DOES 1-10,

Defendants.

Currently before the Court is Defendant Anne W. Louis' Motion to Dismiss Plaintiff's Complaint for Declaratory Relief [Docket No. 13], and Defendant Anne W. Louis' request to stay the action until May 31, 2006 [Docket No. 30].

On April 14, 2006, Plaintiff Lincoln General Insurance Company filed a Notice of Voluntary Dismissal, dismissing Defendant Anne W. Louis from the action without prejudice [Docket No. 29]. The same day, Plaintiff filed a Notice of Voluntary Dismissal, purporting to dismiss Defendant ABC Supply Company, Inc. ("ABC Supply") from the action without prejudice [Docket No. 31]. ABC Supply has answered the complaint. Accordingly, under Federal Rule of Civil Procedure 41, ABC Supply can be dismissed only by a stipulation of dismissal signed by all parties who have appeared

1 in the action, or by order of the Court.


2 IT IS HEREBY ORDERED THAT Defendant Anne W. Louis' Motion to Dismiss Plaintiff's  
3 Complaint for Declaratory Relief is DENIED as moot. IT IS FURTHER ORDERED THAT  
4 Defendant Anne W. Louis' request to stay the action is DENIED as moot.

5 IT IS FURTHER ORDERED THAT the parties clarify the status of ABC Supply.  
6 Specifically, the parties need to either file a stipulation dismissing ABC Supply from the action, or  
7 advise the Court that ABC Supply remains in the action.

8 IT IS FURTHER ORDERED THAT the Case Management Conference is CONTINUED to  
9 **May 24, 2006 at 3:15 p.m.** The parties shall meet and confer prior to the conference and shall  
10 prepare a joint Case Management Conference Statement which shall be filed no later than May 17,  
11 2006. Counsel for Plaintiff shall be responsible for filing the Case Management Conference  
12 Statement as well as for arranging the Case Management Conference call. All parties shall be on the  
13 line and shall call (510) 637-3559 at the above-indicated date and time.

14 IT IS SO ORDERED.

15  
16 Dated: 4/26/06

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge